



*John T. Aubberger*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**JUNE 1, 2010**

#### **General Information:**

**Work Session: 6:30 pm.**

**Meeting: 7:00 pm.**

#### **Roll Call:**

**Albert F. Meilutis, Chairman**

**Michelle Betters**

**Diana Christodaro**

**Randy T. Jensen**

**William F. Murphy**

**John J. Riley**

**Christopher A. Schiano, Deputy Town Attorney**

**Ivana Frankenberger, Planning Assistant**

**Mary Jo Santoli, Secretary to the Zoning Board**

#### **Absent:**

#### **Pledge of Allegiance**

#### **Additions/Deletions to the Agenda**

#### **Announcements:**

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**OLD BUSINESS:**

- 1. Applicant:** Scott A. Solveson  
**Location:** 1521 Latta Road  
**Mon. Co. Tax No.:** 046.14-9-5  
**Zoning District:** R1-12 (Single-Family Residential)  
**Request:**
- a) An area variance for a proposed accessory structure (detached garage) to have an overall height of 23.0 ft., instead of the 17.0 ft. maximum permitted. Sec. 211-11 E, Table I
  - b) An area variance for all existing and proposed accessory structures (including attached garage) totaling 2520 sq. ft., where 1250 sq. ft. is the maximum gross floor area permitted for lots over one acre in area. Sec. 211-11 E (1), Table I
  - c) An area variance for total gross floor area of proposed accessory structures and existing attached garage on the premises (2520 sq. ft.) exceeding the total area of the principal structure (2002 sq. ft.) on the premises. Sec. 211-11 E (1), Table I

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1521 Latta Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

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**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Betters</b>	<b>Abstain</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Mr. Meilutis then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Scott Solveson, 1521 Latta Road, Mr. Solveson appeared before the Board of Zoning Appeals at our last meeting requesting an area variance for a proposed accessory structure (detached garage) to have an overall height of 23.0 ft., instead of the 17.0 ft. maximum permitted; an area variance for all existing and proposed accessory structures (including attached garage) totaling 2520 sq. ft., where 1250 sq. ft. is the maximum gross floor area permitted for lots over one acre in area; and an area variance for total gross floor area of proposed accessory structures and existing attached garage on the premises (2520 sq. ft.) exceeding the total area of the principal structure (2002 sq. ft.) on the premises.

The findings of fact are as follows:

This parcel is located at 1521 Latta Road. It is approximately 160 ft. wide and 660 ft. deep and consists of approximately 2.4 acres of land and is zoned R1-12 (Single-Family Residential). It is bounded on the north by Latta Road, a state road, and on the east and west and south by residential homes. It should be noted that the adjoining parcels to the east and west have the same depth as this parcel and the adjoining parcel to the south actually fronts Rumson Road and is much smaller in size.

The rear of this parcel is heavily wooded, and along the most southern end, a portion of Slater Creek runs through it.

The applicant appeared before this Board on May 18, 2010, at which time he testified that he has essentially inherited this parcel from his parents, who originally built the existing residence sometime around 1951. The oversized parcel was used by his father for gardening. Mr. Solveson will be residing here on a permanent basis, relocating from Buffalo.

The applicant would like to construct a detached 1,980 sq. ft. accessory structure on the premises. This structure would have a barn-type look to it, be finished with vinyl siding to match the existing house, and would comply with the setbacks for this zoning district. It is proposed at being a two-story detached structure, with the footprint being 34 ft. x 44 ft. and the second floor being approximately 11 ft. x 44 ft., with an overall height of 23.0 ft. The actual doors to the garage would face the west, and the access or drive is proposed at coming from behind the existing attached garage. At this time, the owner is not seeking to add an additional driveway.

The applicant has stated that he would like to utilize this structure to accommodate storage of some classic vehicles and a car lift, and also the storage of lawn and garden equipment, which will be used to maintain the yard and the woods to the rear of the parcel. His desire is to also utilize the proposed second floor for a woodworking area; he builds furniture as a hobby. The applicant also asked about bringing water, sewer, gas, and electric to the proposed garage.

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It is this Board member's opinion that the variances requested are out of context for a lot this size. The current code is very mindful in terms of accessory square footage for a lot this size and this proposal is double what the code permits. The applicant acknowledged that he intends to work on his personal vehicles, performing light car repairs for his classic vehicles. The applicant stated that there will be no motor changing, no painting, and in essence, no major car repairs or car body work being done within the detached garage; there will be no car "pit" or basement for this structure. It would not be the intent of any approval to allow for any commercial or business use for profit, of the detached garage or any part of the premises.

The applicant currently has an attached garage totaling approximately 540 sq. ft.; the residence totals 2002 sq. ft. of living space.

It would be my intent, and as offered and agreed to by the applicant, to reduce the overall height of the proposed detached garage to the conform with code, or not exceed 17.0 ft., thereby eliminating the second floor from the equation. Additionally, the footprint of the proposed structure shall be reduced to 32.0 ft. by 44.0 ft., or not to exceed 1,408 sq. ft., granting an overall accessory structure square footage of all existing and proposed accessory structures at 1948 sq. ft.; this will eliminate the need for variance "C."

There shall be no sewer or water hookup to this structure, but heat and electric shall be permitted. There shall be no car lift permitted to be installed and to ensure such, the inside ceiling height shall not exceed 10.0 ft., and there shall be no loft storage as well. The garage shall be subjected to periodic inspections by Code Compliance as well, to ensure there is no business being conducted from the structure, and to also ensure all applicable conditions are being met on a continuing basis.

I am prepared to approve this application with the mentioned modifications, bringing the size of the proposed detached structure to 32 ft. x 44 ft., or totaling 1408 sq. ft. Additionally, the overall height shall not exceed 17 ft., thereby eliminating the need for variances "A" and "C," as offered and agreed to by the applicant.

In considering the five points necessary to determine these variances, I offer the following:

1. An undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties by granting these area variances. The total square footage as originally requested would be out of character with the neighborhood and the size of this parcel in terms of excessive square footage. This lot on Latta Road is somewhat larger than others; however, lot size does not justify the absolute excess that this structure would create as originally proposed. The modification to a 32 ft. x 44 ft. detached, one-story structure, with a height that meets code, along with the already existing attached garage will give the applicant a total of 1948 square feet and should be able to accommodate his storage needs.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than with an area variance. Even with the stated modifications, the application still requires a variance for the overall square footage.
3. The requested variance is not substantial in the context of this application with the mentioned modifications.
4. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions in the neighborhood or district. There will be no detrimental effects to the area with the modified application. No detriments to traffic

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or utilities to the area, either. There shall be no sewer or water hookup to the proposed structure.

5. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this variance.

Therefore, I move to approve item "B" of this application, but with the mentioned stipulation that the proposed detached structure not exceed a size of 32 ft. x 44 ft., or 1408 sq. ft., and with the conditions as outlined in the Findings of Fact.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Betters</b>	<b>Abstain</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**  
**Item "B" Approved**  
**With Modifications & Stipulations**  
**Items "A" & "C" Withdrawn**

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- 2. Applicant:** LiDestri Foods, Inc.  
**Location:** 1000 Lee Road  
**Mon. Co. Tax No.:** 089.04-1-2.101/642  
**Zoning District:** IG (General Industrial)  
**Request:** a) An area variance for a proposed (west side) second building-mounted sign, with a sign area of 66.0 sq. ft., instead of the one (1) 125.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a) & Sec. 211-52 B (2)(c)[1], Table VII  
b) An area variance for a proposed second freestanding sign, with a sign area of 106.0 sq. ft., instead of the one (1) 120.0 sq. ft. building-mounted sign permitted. Sec. 211-52 (1)(a)[2] & Sec. 211-52 B (1)(d), Table VI

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1000 Lee Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations,

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meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

<b>Vote:</b>	<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Mr. Meilutis then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of LiDestri Foods, Inc., 1000 Lee Road, their representative, Jeff LaDue, appeared before the Board this evening requesting an area variance for a proposed (west side) second building-mounted sign, with a sign area of 66.0 sq. ft., instead of the one (1) 125.0 sq. ft. building-mounted sign permitted; and an area variance for a proposed second freestanding sign, with a sign area of 106.0 sq. ft., instead of the one (1) 120.0 sq. ft. building-mounted sign permitted.

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WHEREAS, the applicant testified that since the time they first submitted the application they had some thoughts about where the sign should go and we had to re-advertise this particular application to allow them to appear tonight and modify where they are putting the signs on the building; however, the size of the signs has not changed. The applicant testified that they in fact have acquired this building as part of Kodak's divestiture of its property. The total building is approximately 650,000 sq. ft.; the road frontage is approximately 1700 ft. The applicant testified that there is going to be multiple tenants in this area, namely LiDestri Foods and Ortho Clinical Diagnostics, part of Johnson & Johnson. The applicant testified that there is a need now to identify which buildings belong to whom and also to enable truck drivers and other people coming to the facility to safely identify where they should be entering for the various functions. The applicant testified that on the south building that they would like to put it on the south face of the penthouse, which would be above the roof visible to the northbound traffic. On the north building, they would put it on the north side of the penthouse, above the roof and that would also be visible to the southbound traffic. The applicant indicated that the need for clear identification will avoid any vehicular problems – people passing the building, trucks having to turn around because they are missing the driveways. These are two sizable structures that are within this area of town and because of the nature of the building division with multiple tenants, it makes sense that there should be clear identification to find locations within the building.

WHEREAS, on the main motion, based on the findings of fact that I previously recited, I am going to move that we approve the application with the noted position changes on the building, as identified and testified by the applicant.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Yes  
Yes  
Yes**

**Motion Carried  
Application Approved  
With Noted Changes**

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**NEW BUSINESS:**

- 1. Applicant:** Daniel M. Zarcone  
**Location:** 235 West Bend Drive  
**Mon. Co. Tax No.:** 045.02-2-53  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for all existing and proposed accessory structures (including attached garage) totaling 1064 sq. ft., where 800 sq. ft. is the maximum gross floor area permitted for lots up to 16,000 sq. ft. in area. Sec. 211-11 E (1), Table I

**Mr. Jensen offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 235 West Bend Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Mr. Jensen then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Daniel M. Zarcone, 235 West Bend Drive, Daniel Zarcone appeared before the Board of Zoning Appeals this evening requesting an area variance for all existing and proposed accessory structures (including attached garage)

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totaling 1064 sq. ft., where 800 sq. ft. is the maximum gross floor area permitted for lots up to 16,000 sq. ft. in area.

WHEREAS, the applicant testified this evening that he has lived there for six years, and the reason for the addition is to keep classic cars inside the new garage. We asked the applicant if it was possible to achieve the same goals by reducing the maximum gross floor area and he said it would be extremely difficult with up to three classic cars that he will have stored inside the garage. During the process, the materials that he will use will currently match and look similar to the house he has now and he does not have any plans to use the property for commercial use. The question was asked of the condition of the shed, which was part of the area discussed, and the applicant stated that the shed was approximately four years old and it was in excellent shape and it would be a hardship for him to remove the shed. Also, with the addition of the 1064 sq. ft., it increases lot coverage to 13.7 percent, well below the Town requirements. The garage will also have just a regular, simple door, similar to a regular-size door, not a garage door.

WHEREAS, the Board of Zoning Appeals shall consider the benefit to the applicant weighed against the detriment to the health, safety and welfare to the neighborhood or community with the following criteria:

An undesirable change will not be produced in the character of the neighborhood, nor will it be detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application.

**Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Yes**  
**Yes**  
**Yes**

**Motion Carried**  
**Application Approved**

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- 2. Applicant:** Craig W. Welker  
**Location:** 123 Conrad Drive  
**Mon. Co. Tax No.:** 060.74-2-35  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for a proposed principal structure addition (totaling approximately 220 sq. ft.), to have a proposed (south) side setback of 4.4 ft., instead of the 6.0 ft. minimum setback. Sec. 211-11 D (2), Table I

**Mr. Jensen offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 123 Conrad Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Mr. Jensen then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Craig W. Welker, 123 Conrad Drive, Craig Welker appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed principal structure addition (totaling approximately 220 sq. ft.), to have a proposed (south) side setback of 4.4 ft., instead of the 6.0 ft. minimum setback.

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WHEREAS, the applicant testified this evening that he has lived on the property for 12 years. The reason for the addition is to increase the space. With five kids, he is going to increase his living area by 13 ft. x 13 ft., which would be a living room along with a full bath; currently, the home only has one living room and one full bath. This will also enable him to use his basement for storage for toys and games for the children. One of the unique areas about the applicant's yard is the fenced-in yard. By putting this somewhere else, he would lose lawn space and play area for the children. He is looking also to do the remodeling process, matching the current home as close as possible; his home was built in the early 20<sup>th</sup> century. One of the questions that was also asked by one of the Board members is that he will be keeping this flush with the existing south side of the structure.

WHEREAS, the Board of Zoning Appeals shall consider the benefit to the applicant weighed against the detriment to the health, safety and welfare to the neighborhood or community with the following criteria:

An undesirable change will not be produced in the character of the neighborhood, nor will it be detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Yes**  
**Yes**  
**Yes**

**Motion Carried**  
**Application Approved**

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- 3. Applicant:** David M. Kramer  
**Location:** 220 Verstreet Drive  
**Mon. Co. Tax No.:** 075.06-6-56  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for a proposed deck (totaling approximately 348 sq. ft.), to be partially located in a side yard, where accessory structures, including decks, are permitted in rear yards only; and for said deck to have a proposed (south) side setback of 6.5 ft., instead of the 7.5 ft. minimum required. Sec. 211-11 E (1), Table I; Sec. 211-11 E (3)

**Ms. Christodaro offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 220 Verstreet Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Ms. Christodaro then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of David M. Kramer, 220 Verstreet Drive, Mr. Kramer appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed deck (totaling approximately 348 sq. ft.), to be partially located in a

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side yard, where accessory structures, including decks, are permitted in rear yards only; and for said deck to have a proposed (south) side setback of 6.5 ft., instead of the 7.5 ft. minimum required.

WHEREAS, the applicant testified that he has lived on Verstreet for approximately five years, and his intent is to build a deck coming out of an existing side door on his home. The deck will be on the side yard and then go into his back yard. It will be built with Trex™ and have a vinyl railing, and the purpose of the deck is to just enjoy his neighborhood and his back yard. The applicant testified that the reason for having the deck on the side of his property is as I mentioned before to utilize the side door and an existing stoop and have access from his kitchen to the deck. If the applicant were to reduce the size of the deck by one foot to adhere to the minimum setback, he wouldn't really be able to utilize it to the best of its ability because it would only give him approximately eight ft. of a deck. He spoke with his neighbors and his neighbors do not have any problem with this.

WHEREAS, it is my opinion that in granting this variance an undesirable change will not be produced in the character of the neighborhood, nor will it be detriment to the nearby properties. The benefit sought by the applicant cannot be achieved by some other method feasible for him to pursue, as evidenced by his testimony. The requested area variance is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district. And while the alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application as submitted.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Yes  
Yes  
Yes**

**Motion Carried  
Application Approved**

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BOARD OF ZONING APPEALS MINUTES  
JUNE 1, 2010

- 4. Applicant:** Bruce Darling  
**Location:** 267 Lake Shore Drive  
**Mon. Co. Tax No.:** 017.06-2-21  
**Zoning District:** R1-12 (Single-Family Residential)  
**Request:** An area variance for a proposed accessory structure (shed; 198 sq. ft.) as a principal structure on a lot. Sec. 211-5 (Structure, Accessory)

**On a motion by Mr. Meilutis and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of June 15, 2010, in order to give staff time to re-advertise.**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Yes  
Yes  
Yes**

**Motion Carried  
Application Continued  
Until Meeting of  
June 15, 2010**

---

BOARD OF ZONING APPEALS MINUTES  
JUNE 1, 2010

- 5. Applicant:** Charles S. Arena, Sr.  
**Location:** 2450 Edgemere Drive  
**Mon. Co. Tax No.:** 026.15-1-57  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:**
- a) An area variance for an existing cabana (8.3 ft. x 30.7 ft.; 252.3 sq. ft.), to be located in a (west) side yard, where accessory structures, including cabanas, are permitted in rear yards only. Sec. 211-11 E (3)
  - b) An area variance for an existing cabana (8.3 ft. x 30.7 ft.; 252.3 sq. ft.), to have a (west) side setback of 1.1 ft., instead of the 6.8 ft. minimum required. Sec. 211-11 E (1), Table I
  - c) An area variance for a proposed detached garage (22.0 ft. x 22.0 ft.; 484.0 sq. ft.), to have a rear setback of 20.0 ft. (measured from the centerline of Old Edgemere Drive), instead of the 55.0 ft. minimum required. Sec. 211-11 E (1), Table I
  - d) An area variance to allow for a proposed structure (detached garage; 22.0 ft. x 22.0 ft.; 484.0 sq. ft.), being over 3.0 ft. in height above the nearest street grade in a restricted area, as described in Sec. 211-33 A and Sec. 211-33 B (2)(a) (b)(c).
  - e) An area variance for proposed lot coverage of 30.7%, instead of the 25% maximum permitted.

**On a motion by Mr. Riley and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of June 15, 2010 in order to give the applicant time to determine if there are any other options for him to review and also to give staff time to research lot coverage variances in the area.**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Yes  
Yes  
Yes**

**Motion Carried  
Application Continued  
Until Meeting of  
June 15, 2010**

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BOARD OF ZONING APPEALS MINUTES  
JUNE 1, 2010

- 6. Applicant:** Long Pond Property, LLC  
**Location:** 470 Long Pond Road  
**Mon. Co. Tax No.:** 045.01-1-6.101  
**Zoning District:** BP-2 (Professional Office)  
**Request:**
- a) An area variance for an existing freestanding sign with a sign area of 72.1 sq. ft., instead of the 40.0 sq. ft. maximum permitted. Sec. 211-52 B (1)(d), Table I
  - b) An area variance for 2 directional signs with a sign area of 10.0 sq. ft. each, instead of the 5.0 sq. ft. each permitted. Sec. 211-52 B (3)(b)[1]
  - c) An area variance for a proposed promotional banner with a sign area of 30.0 sq. ft., instead of the 20.0 sq. ft. maximum permitted; and for said banner to have a duration of 18 months, instead of the maximum 30 days permitted. Table V (Regulations for Permitted Temporary Signs)

**Mr. Murphy offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 470 Long Pond Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.

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7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Yes**  
**Yes**  
**Yes**

**Motion Carried**

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**Mr. Murphy then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Long Pond Property, LLC, 470 Long Pond Road, Alan Adams, representing Long Pond Property, LLC, appeared before the Board this evening requesting an area variance for an existing freestanding sign with a sign area of 72.1 sq. ft., instead of the 40.0 sq. ft. maximum permitted; an area variance for 2 directional signs with a sign area of 10.0 sq. ft. each, instead of the 5.0 sq. ft. each

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permitted; and an area variance for a proposed promotional banner with a sign area of 30.0 sq. ft., instead of the 20.0 sq. ft. maximum permitted; and for said banner to have a duration of 18 months, instead of the maximum 30 days permitted.

WHEREAS, we spoke with Mr. Adams and Karen Feigel and Dr. Turque and they stated that the Urgent Care facility has been there for 10 years and the building has been there 11 years. The reason behind the change in the signage for "A" is they were unaware that the sign was made larger when the building was erected to the 72.1 sq. ft. The reason behind the change of "B" is due to the visibility, making directional signs 10 sq. ft. instead of 5 sq. ft. and adding Urgent Care, 470 Long Pond on the signs. And the reason for "C" is for the publicity and for the new Urgent Care -type facility in that area of Long Pond and Janes. It was discussed with the banner that certain changes would be made and everyone has agreed that we would keep the banner up until October 1, 2010 and then attempt to seek a more permanent solution, a permanent sign on the building. At the present time, there is on the property two directional signs and two freestanding signs, one at the corner of Janes Road and Long Pond Road, and one at the main entrance on the south side.

WHEREAS, on the main motion, after reviewing all the information that was just presented and I do want to put in there that the hours of operation are going to be staggered on the weekends, Saturday and Sunday, from 10:00 to 6:00 and 12:00 to 8:00; on the weekdays, hours are 12:00 till 8:00.

WHEREAS, it is my opinion that granting the above-mentioned variances will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to the nearby properties if these variances are granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. I feel the requested area variances are not substantial.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial;

THEREFORE, I move to approve this application with the condition that the banner is removed by October 1, 2010.

**Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Yes**  
**Yes**  
**Yes**

**Motion Carried**  
**Application Approved**  
**With Condition**

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BOARD OF ZONING APPEALS MINUTES  
JUNE 1, 2010

- 6. Applicant:** Sylvan Learning Center  
**Location:** 1600 West Ridge Road  
**Mon. Co. Tax No.:** 074.20-1-10  
**Zoning District:** BR (Restricted Business)  
**Request:** An area variance for a proposed (south side) building-mounted sign, with a sign area of 31.5 sq. ft., instead of the one (1) 24.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(c)[1], Table VII

**Mr. Murphy offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1600 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Yes**  
**Yes**  
**Yes**

**Motion Carried**

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**Mr. Murphy then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Sylvan Learning Center, 1600 West Ridge Road, Scott Steron, representing Sylvan Learning Center, appeared before the Board this evening requesting an area variance for a proposed (south side) building-mounted sign, with a sign area of 31.5 sq. ft., instead of the sign that is presently there of (1) 24.0 sq. ft.

WHEREAS, he stated that the Sylvan Learning Center has been at this location for approximately 11 years and the size of the current sign is 24 sq. ft. He was led to believe with the design, this new type sign, that it was going to be a little larger and fit the peak better, and it hasn't so they are seeking a little larger sign to help with traffic and vision of the vehicles going by the Sylvan Learning Center.

WHEREAS, on the main motion, as we stated before, Sylvan Learning Center is trying to upgrade their sign and it will be six feet larger with the new dimensions. It is my

BOARD OF ZONING APPEALS MINUTES  
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opinion that granting the above-mentioned variance will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to the nearby properties should this variance be granted. There are other signs in the plaza that are as large with these types of dimensions on the peaks. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. And being that there is no freestanding sign with the different store locations on it, I feel the requested area variance is not substantial.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial;

THEREFORE, I move to approve this application.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Yes  
Yes  
Yes**

**Motion Carried  
Application Approved**

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BOARD OF ZONING APPEALS MINUTES  
JUNE 1, 2010

**DISCUSSION ITEMS:**

**799 Latta Road: Application of John Keltos**

On June 16, 2009, the Board of Zoning Appeals approved an area variance to have farm animals (six egg-laying hens) on a lot that is not a farm, with the condition that the application shall be subjected to a one-year review by the Board and the Board shall be notified should any valid complaints arise through the Town's Code Compliance and/or Animal Control staff.

The Board's staff stated that, to date, there have been no complaints of any kind.

**Mr. Meilutis offered the following resolution and moved for its adoption:**

**I would move that as there have been no complaints and the conditions of approval were pretty well set forth as to how the applicant can maintain the chickens, it will not be necessary to review it before this Board any longer. We waive any further report to this Board.**

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Yes  
Yes  
Yes**

**Motion Carried  
Decision Approved**

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BOARD OF ZONING APPEALS MINUTES  
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**2496 West Ridge Road: Application of PEP, LLC**

On May 18, 2010, the Board of Zoning Appeals approved an area variance for parking spaces, with the condition that an updated site plan be submitted to the Town. The Board would like to amend said condition.

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, following the May 18, 2010, approval of the area variance for 2496 West Ridge Road (the "Premises"), the Chairman received additional information relative to costs for the preparation of a site plan to show that a curb cut on the Premises had been closed; and

WHEREAS, the cost of a complete, fully updated site plan or survey would be disproportionately expensive (about \$4000) compared to the desired result (a drawing that shows where a curb cut no longer exists); and

WHEREAS, the Board's intent can be achieved by the less-expensive means.

NOW, THEREFORE, be it

RESOLVED that the applicant shall provide a sketch that shows the part of the Premises where the curb cut was closed, or a letter to the Town from the applicant which clearly states that the curb cut has been closed.

**Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Yes  
Yes  
Yes**

**Motion Carried  
Amendment Approved**

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BOARD OF ZONING APPEALS MINUTES  
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**ADJOURNMENT**

The meeting was adjourned at 9:05 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Dated:** \_\_\_\_\_  
Albert F. Meilutis, Chairman

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